



Attorney's Docket No. 42390.P13720  
Confirmation No. 9489

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Brent Stone, et al ) Examiner: Tuan T. Dinh  
Application No: 10/306,388 ) Art Unit: 2827  
Filed: 11/27/2002 )  
For: MOTHERBOARD )  
POWER-LEVELER )  
\_\_\_\_\_  
)

Commission for Patents  
U.S. Patent and Trademark Office  
Washington, D.C. 20231

**RESPONSE TO RESTRICTION REQUIREMENT**  
**UNDER 35 U.S.C. § 121**

Sir:

In response to the restriction requirement mailed June 3, 2004, Applicant elects Group 2 as indicated by the Examiner, with traverse. Applicant respectfully submits that the restriction requirement is improper, since the Examiner has failed to demonstrate that the claims of Group 1 and the claims of Group 2 are distinct. In this regard, the Examiner has stated that:

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June 16, 2004

(Date of Deposit)

Joyce Klein

(Typed or printed name of person mailing correspondence)

Signature

June 16, 2004

Date

"Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be made to make other and materially different products or (2) that the product as claimed can be made by another and materially different process. (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process, for example, the assembly does not need to change a power routing configuration of a motherboard by providing an additional non-motherboard current path."

(Emphasis added).

Applicants however, respectfully disagree with the Examiner, and point out to the Examiner that since the power levelling element, as recited in claim 8 provides an additional non-motherboard current path, the Invention II is necessarily made by the process of Invention I. Thus, the Examiner has failed to show that the Inventions I and II are distinct.

For the above reasons, the Examiner is, respectfully requested to withdraw his restriction requirement. However, Applicant does elect the Invention II, with traverse, and reserves the right to partition from this restriction requirement.

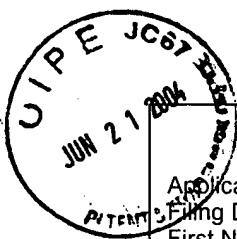
Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicants hereby request such an extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

John P. Ward  
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AMENDMENT TRANSMITTALPATENT

Application No.: 10/306,388  
Filing Date: 11/27/2002  
First Named Inventor Brent Stone, et al  
Examiner's Name: Tuan T. Dinh  
Art Unit: 2827  
Attorney Docket No.: 42390.P13720

An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.

Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.

Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.

Applicant(s) claim small entity status (37 CFR 1.27).

ATTACHMENTS

Preliminary Amendment

Amendment/Response with respect to Office Action

Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)

Notice of Appeal

RCE (Request for Continued Examination)

Supplemental Declaration

Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)

Information Disclosure Statement (IDS)

Copies of IDS citations

Petition for Extension of Time

Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)

Cross-Reference to Related Application(s)

Certified Copy of Priority Document

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Check(s)

Postcard (Return Receipt)

SUBMITTED BY:

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